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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ANTHONY CHATMAN, FRANCISCO  
ALVARADO, ZACHARY  
GRANADOS, TYNDALE MOBLEY,  
and JOSEPH DEGUAIR, individually  
and on behalf of all others similarly  
situated,

Plaintiffs,

vs.

MAX N. OTANI, Director of State of  
Hawaii, Department of Public Safety,  
in his official capacity,

Defendant.

CIVIL No. 21-00268 JAO-KJM

PLAINTIFFS' RULE 16  
SCHEDULING CONFERENCE  
STATEMENT; CERTIFICATE  
OF SERVICE

**Rule 16 Conference:**

Date: July 12, 2021

Time: 9:00 a.m.

Magistrate Judge: Hon. Kenneth  
J. Mansfield

Judge: Hon. Jill A. Otake  
(Trial: None)

**PLAINTIFFS' RULE 16 SCHEDULING CONFERENCE STATEMENT**

Plaintiffs ANTHONY CHATMAN, FRANCISCO ALVARADO, ZACHARY GRANADOS, TYNDALE MOBLEY, and JOSEPH DEGUAIR, (hereinafter “Plaintiffs”), by and through their undersigned attorneys, hereby submit the following Scheduling Conference Statement pursuant to Rule 16 of the Federal Rules of Civil Procedure and Rule 16.2 of the Local Rules of Practice of the United States District Court for the District of Hawai‘i (“LR”).

## **I. STATEMENT OF THE CASE**

Plaintiffs bring this class action lawsuit seeking declaratory and injunctive relief on behalf of all pre-trial and post-conviction inmates housed in State of Hawai‘i, Department of Public Safety (“DPS”) facilities. Plaintiffs allege that Defendant has demonstrably failed to mitigate the risks of contracting COVID-19 in its facilities, thereby unreasonably placing inmates in its custody at risk of serious illness and death associated with COVID-19. Despite numerous devastating and uncontrolled outbreaks prior to the instant litigation, Defendant has failed to implement and enforce even basic policies and practices recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19 within correctional institutions.

The conditions of confinement as alleged violate the Plaintiffs’ rights protected by the Eighth and Fourteenth Amendments to the United States Constitution. Plaintiffs seek declaratory and injunctive relief and request the

appointment of a special master to make findings and recommendations to the Court as appropriate.

## **II. STATEMENT OF JURISDICTION**

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3).

## **III. JURY DEMAND**

No jury demand has been made in this case.

## **IV. DISCOVERY DISCLOSURES**

The parties have not yet made initial disclosures. Plaintiffs will provide initial disclosures as required by the rules, or as agreed upon between the parties.

## **V. DISCOVERY PROGRESS AND MOTIONS PENDING**

No discovery has taken place at this time. On June 8, 2021, Plaintiffs filed a Motion for Preliminary Injunction and Temporary Restraining Order [ECF No. 6], and on June 22, 2021, Plaintiffs filed a Motion for Provisional Class Certification [ECF No. 20]. A video teleconference hearing for both motions will be conducted on July 8, 2021 at 11:00 a.m.

## **VI. SPECIAL PROCEDURES**

Pursuant to 18 U.S.C. § 3626 and/or Rule 53 of the Federal Rules of Civil Procedure, Plaintiffs request the appointment of a special master.

**VII. RELATED CASES**

None.

**VIII. ADDITIONAL MATTERS**

None.

DATED: Honolulu, Hawai‘i, July 2, 2021.

/s/ Kevin A. Yolken

ERIC A. SEITZ

GINA SZETO-WONG

JONATHAN M.F. LOO

KEVIN A. YOLKEN

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that one copy of the within was duly served on July 2, 2021, via CM/ECF to the following at the e-mail addresses listed below:

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DATED: Honolulu, Hawai‘i, July 2, 2021.

/s/ Kevin A. Yolken  
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Attorneys for Plaintiffs